

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

2025 MAY 14 AM 10:28

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

DAVID D'AMBROSIO,

Petitioner,

v.

KIKI SCOTT, Senior Official Performing  
the Duties of the Director of the U.S.

Citizenship and Immigration Services,

ANDREW J. DAVIDSON, Acting Deputy

Director of the U.S. Citizenship &amp;

Immigration Services, KRISTI NOEM,

Secretary of the Department of Homeland

Security, TODD LYONS, Acting Director

of Immigration &amp; Customs Enforcement;

PAMELA BONDI, U.S. Attorney General,

Respondents.

CLERK  
BY Syl  
DEPUTY CLERK

Case No. 2:25-cv-468

**ORDER EXTENDING TEMPORARY RESTRAINING ORDER**

Plaintiff David D'Ambrosio is an Italian national who entered the United States eight years ago as a tourist on a 90-day visa waiver. He never returned to Italy. On February 19, 2025, he was detained at the Canadian border by American officials after making a U-turn in the vicinity of the crossing. He is detained in Massachusetts and is subject to removal proceedings. Prior to his detention, Mr. D'Ambrosio resided in New Hampshire. (*See* Doc. 1.)

In 2019, Mr. D'Ambrosio married an American citizen. The marriage was stormy, and he has now filed an application for a visa as a victim of domestic violence. The Government has approved one step of that application by approving his Form I-360. That approval occurred in the Vermont Service Center of U.S. Customs and Immigration Service. The second step—approval of his Form I-485—is pending in a USCIS office in Massachusetts. (Doc. 15-1.)

Mr. D'Ambrosio has filed two lawsuits in the District of Massachusetts concerning his immigration status. He has an appeal pending before the First Circuit. The court learned about this related litigation when the Government filed its response yesterday. (*See* Doc. 15.)

The court GRANTS the Government's request for time to brief the issues in this case. The Government's brief is due by the end of the business day on May 21, 2025. Any reply is due by the end of the business day on May 22, 2025. The court will continue the hearing on the preliminary injunction to Friday, May 23, 2025. The hearing will be by Zoom.

Without limitation, the issues that concern the court include:

1. Effect of the waiver of certain legal protections through entry under the visa waiver program;
2. Jurisdictional limitations on the court's authority to stay or otherwise delay or prevent lawful removal proceedings;
3. Venue in this district and potential transfer to the District of Massachusetts since the USCIS office that is now the subject of claims of unreasonable delay under the Administrative Procedure Act is located in Massachusetts;

The court EXTENDS the temporary restraining order barring removal of Mr. D'Ambrosio from the United States (Doc. 11) through Friday, May 23, 2025, in order to permit briefing by the parties and a full hearing before the court.

Dated at Burlington, in the District of Vermont, this 14<sup>th</sup> day of May, 2025.

/s/ Geoffrey W. Crawford  
District Judge  
United States District Court